

Honorable FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA

Plaintiff,

vs.

KAMSATH NOY BUTH

Defendant.

No. CR-05-05469FDB

AGREED MOTION AND
ORDER TO CONTINUE TRIAL
DATE

Noted: August 23, 2006

Comes now Defendant Kamsath N. Buth, by Paula T. Olson, his attorney of record, seeks an order of continuance of the trial date and pretrial scheduling dates. This motion is based on the attached Declaration of Paula T. Olson, including the statement that plaintiff's counsel, Kent Liu, Assistant U. S. Attorney, has no objection to this motion.

DATED: August 25, 2006.

By: _____
Paula T. Olson, WSB # 11584
Attorneys for Defendant Buth

DECLARATION OF PAULA T. OLSON

I, PAULA T. OLSON, state and declare as follows:

I have personal knowledge of and am competent to testify to the matters stated herein.

I am the new attorney for Defendant Kamsath N. Buth. I was appointed on Thursday, August 17, 2006. I know that the trial date in this case is August 28, 2006 with the pretrial conference on August 25, 2006. There is no possible way that I can be prepared to try this case in that short a period of time and I am requesting a continuance of the trial date as well as pretrial scheduling dates. I spoke with Kent Liu, Assistant U. S. Attorney, on Tuesday, August 17 who has no objection to this request.

I also spoke with Colin Fieman, Mr. Buth's previous attorney. Mr. Fieman is in the process of compiling his file, including discovery, and transferring the file to me. He also advised me of Mr. Buth's concerns, including issues pertaining to meeting at the detention center and challenges in discussing the case. As a result, I mailed to Mr. Buth a Waiver of Speedy Trial in the hopes that he will respond by mail. I am also making arrangements to talk with Mr. Buth by telephone at the SeaTac Detention Center. If Mr. Buth sends me a signed waiver, I will file the same with the court. I believe that Mr. Buth is aware that his case must be continued in order that his new attorney have sufficient time to prepare his defense. I also believe that these reasons comply with 18 U.S.C. § 3161(h)(8)(A) and (B)(I).

On consultation with the court's deputy clerk, a November trial date, preferably on or after November 13, 2006, is acceptable to me.

I declare under penalty of perjury under the laws of the State of Washington that the above is true and correct.

//

1 SIGNED AND DATED at Tacoma, Washington, this ____ day of August 2006.

2
3 _____
4 PAULA T. OLSON

5 **ORDER**

6 For the reasons stated herein and based on the agreement of counsel, the court finds that
7 the ends of justice served by a continuance of the trial date in this matter outweigh the best
8 interest of the public and the defendant in a speedy trial.

9 The court further finds that the failure to grant a continuance would result in a miscarriage
10 of justice pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(I).

11 Taking into account the exercise of due diligence, a continuance is necessary to allow the
12 Defendant the reasonable time for effective preparation of their defense.

13 18 U.S.C. § 3161(h)(8)(B)(iv).

14 NOW THEREFORE,

15 IT IS HEREBY ORDERED that Defendant Kamsath N. Buth's Motion for Continuance
16 of the Trial Date is GRANTED and the trial date is continued to November 13, 2006. The
17 resulting period of delay from August 28, 2006, up to and including the new trial date of
18 November 13, 2006, is hereby excluded for speedy trial purposes under 18 U.S.C. §
19 3161(h)(8)(A) and (B).

20 DATED this 24th day of August 2006.

21
22 

23 FRANKLIN D. BURGESS
24 UNITED STATES DISTRICT JUDGE

Presented by:

PAULA T. OLSON, WSB#11584
Attorney for Defendant Buth

Agreed via telephone on August 17, 2006

KENT Y. LIU
Assistant U. S. Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record. I hereby certify that no other parties are to receive notice.

PAULA T. OLSON, WSB #11584
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